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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,555	01/17/2002	Gordon Scott Mindrum	0103085-0519322	8685
26874 7590 02/12/2007 FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			EXAMINER HAILU, TADESSE	
			ART UNIT 2173	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/051,555

Applicant(s)

MINDRUM, GORDON SCOTT

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 39-47,49,51 and 65-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-47,49,51 and 65-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment entered January 19, 2007 for the above-identified application.
2. The pending claims 39-47, 49, 51, and 65-68 are examined herein as follows.

### ***Response to Arguments***

3. The Applicant holds the same ground of arguments that are submitted on April 26, 2006. Similarly, the Examiner also holds the same responses as given in the previous Office Action. As set forth in the previous Office action, the examiner believes that all the arguments that are directed to the claimed invention has been rebutted by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-47, 49, 51, and 65-68 are rejected less than 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Bexten (US Pat No 6,205,133) and Evans, III (U.S. Pat. No. 5,732,231).

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With regard to claim 39:

Assisi discloses a method, system and storage, for storing, retrieving and presenting personal or biographical information relating to and/or from a deceased person.

Assisi further describes that a user of the communication apparatus or wireless device **3** communicates or requests and access biological information (life pack) associated with the deceased person (located at the gravestone 1) with the control storage chamber 7 (or kiosk) located at the cemetery.

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (**6**) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62).

Assisi further describes a processor (**5**) in communication with the computer readable medium (**6**), wherein the processor is operable to receive a request (via data cable **4**) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus **3**) located within the cemetery (see column 1, lines 63-column 2, lines 6, **FIGURE**).

Assisi further describes a device (**3**) operable to present at least a portion of the requested biographical information to the user (user of communication

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apparatus **(3)** located within the cemetery (see **FIGURE**), wherein the transmitter **(2)** is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device **(3)** in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, **FIGURE**). Furthermore, Assisi teaches that the user/visitor of the portable device can gain access to the storage device and may call up there from desired information for display or direct processing.

Assisi further discloses a control storage chamber comprising one or more of the computer readable medium **(6)**, the computer/processor **(5)**, and the receiver/transmitter connected at the computer by data cable 4.

Assisi further discloses a transmitter **(2)** in communication with the processor **(5)**, the transmitter **(2)** being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, **FIGURE**), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, “ ...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing “...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural).

Assisi meets the limitations of claim 39 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver is needed to gain access to each deceased person in the graveyard, that is, each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices)(Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency

while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi with little modification (that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in claim 39.

The combined art of Assisi and Bexten does not clearly describe that the life pack includes *"instructions, to the person associated with the deceased person, regarding how to provide the requested particular types of biographical information relating to the deceased person in response to the requests"* as required in claim 39. Evans, on the other hand describes that a relative or a person associated with the deceased person, using a display terminal for use in funeral homes and by following the displayed instructions (Fig. 5), may provide information to a requested party or immediate family in any appropriate format, such as CD-Rom, Video Cassette or printout. (column 5, lines 22-48).

Evans also describes that at least a portion of the transmitted information comprises information submitted by the person associated with the deceased person (e.g., immediate family) in response to one or more of the requests of the life pack (column 2, lines 1-20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the providing of instructions in an

appropriate format as described in Evans (e.g., col. 2, lines 21-47) and further incorporating transmitting information submitted from the immediate family with the information processing of Assisi in view of Bexten so that requestor will be receiving information in a desired format, such as s, for example, CD-Rom, Video Cassette or printout and information from the immediate family. (column 5, lines 22-48).

Therefore, it would have been obvious to combine Assisi in view of Bexten with Evans to obtain the invention as specified in claim 39.

With regard to claim 40:

Assisi in view of Bexten and Evans discloses that said computer readable medium (6) is located within the cemetery (Assisi, FIGURE).

With regard to claim 41:

Assisi further describes a computer readable medium (6) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (Assisi, column 1, lines 31-62).

With regard to claim 42:

Assisi in view of Bexten and Evans further discloses that said deceased person's grave site (Assisi, FIGURE) Located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is Located at or proximate to the grave site (Assisi, FIGURE).

With regard to claim 43:



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Assisi further describes a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see **FIGURE**), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (Assisi, see Abstract, column 2, lines 23-30, FIGURE).

With regard to claim 44:

Assisi in view of Bexten and Evans further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (Assisi, column 2, lines 16-22).

With regard to claim 45:

Assisi in view of Bexten and Evans further discloses that said device (3) comprises a portable electronic device (Assisi, Abstract, column 1, lines 52-62).

With regard to claim 46:

Assisi in view of Bexten and Evans further discloses providing the portable electronic device (3) to the user for a limited time (Assisi, column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi in view of Bexten and Evans further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Assisi, Abstract, column 1, lines 52-62).

With regard to claim 49:

Assisi in view of Bexten and Evans further describes that a user of the communication apparatus or wireless device 3 communicates or requests and access biological information (life pack) associated with the deceased person (located at the gravestone 1) with the control storage chamber 7 (or kiosk) located at the cemetery (see Assisi, Figure).

With regard to claim 51:

Assisi in view of Bexten and Evans further discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Assisi, Abstract, column 1, lines 52-62).

With regard to claims 65 and 66:

Assisi in view of Bexten and Evans further discloses that at least a portion of the requested type of biographical information, such as text or picture, is provided to the person at communication device (3), associated with the deceased person electronically wirelessly (Assisi, FIGURE).

With regard to claim 67:

Assisi in view of Bexten and Evans disclose a device permitting a person associated with the deceased person to select a visual format for presentation

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of the biographical information transmitting for the requested family member or friend. The visual format can be presented in textual or pictorial (photographical) package or both formats. (Evans, Figs. 2-4).

With regard to claim 68:

Assisi in view of Bexten and Evans further discloses that the life pack can be prepared, packed and shipped in tangible hard copy materials including photo pictures, CD-Rom, and Video Cassette (Evans, column 5, lines 22-48).

### **CONCLUSION**

5. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kincaid, Kristine, can be reached at (571) 272-4063 Art Unit 2173 and 2174.

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7. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Examiner Tadesse Hailu*

*Art Unit 2173 – Operator Interface*

*6/29/06*

  
**TADESSE HAILU**  
**Patent Examiner**